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October 8, 2021

**By ECF**

Hon. Valerie E. Caproni  
United States District Court  
Southern District of New York  
Thurgood Marshall Courthouse  
40 Foley Square,  
New York, NY 10007

Re: Kane, et al. v. de Blasio, et al., Dkt. 21 Civ. 7863

Dear Judge Caproni:

I am an Assistant Corporation Counsel in the office of Georgia M. Pestana, Corporation Counsel for the City of New York, attorneys for the defendants Chokshi and de Blasio<sup>1</sup> in the above-referenced case. I write in response to your Order dated October 6, 2021, Dkt. 38. Defendants do not intend to call witnesses. Defendants will rely on those documents to the Minicucci Declaration and the Bernstein Updated and Supplemented Declaration, *see* Dkts. 32 and 52. Specifically, the documents annexed to the Minicucci Declaration are as follows:

1. Exhibit A is a copy of Order of the Commissioner of Health and Mental Hygiene to Require COVID-19 Vaccinations dated August 24, 2021.
2. Exhibit B is a copy of the Order of the Commissioner of Health and Mental Hygiene to Require COVID-19 Vaccinations dated September 15, 2021.
3. Exhibit C is a copy of the Order of the Commissioner of Health and Mental Hygiene to Require COVID-19 Vaccinations dated September 28, 2021.

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<sup>1</sup> Upon information and belief, plaintiffs have not yet executed proper service upon defendant New York City Department of Education.

4. Exhibit D is a copy of the arbitration decision in *Board of Education of the City School District of the City of New York and the United Federation of Teachers, Local 2, AFT, AFL-CIO, Re: Impact Bargaining*, Decision Dated September 10, 2021.
5. Exhibit E is a copy of the Arbitration Award in *Board of Education of the City School District of the City of New York and the Counsel of Supervisors and Administrators ("CSA") (Impact Bargaining)*, dated September 15, 2021.
6. Exhibit F is a copy of *Child Covid-19 Cases Rise in States Where Schools Opened Earliest*, Yoree Koh, Wall Street Journal, Sept. 5, 2021, <https://www.wsj.com/articles/child-covid-19-cases-rise-in-states-where-schools-opened-earliest-11630834201>, last accessed on September 15, 2021.
7. Exhibit G is a copy of *Covid Cases Rise Sharply Among Kids as School Year Starts*, Ernie Mundell and Robin Foster, US News and World Reports, <https://www.usnews.com/news/health-news/articles/2021-09-03/covid-cases-rise-sharply-among-kids-as-school-year-starts>, last viewed on September 14, 2021.
8. Exhibit H is a copy of *Children and COVID-19: State-Level Data Report*, American Academy of Pediatrics, also available at : <https://www.aap.org/en/pages/2019-novel-coronavirus-covid-19-infections/children-and-covid-19-state-level-data-report/>, last viewed
9. Exhibit I is a copy of *CDC – Frequently Asked Questions About the Covid-19 Vaccine*, also available at <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/faq.html> (“you should be vaccinated regardless of whether you already had COVID-19”), last visited on September 15, 2021.
10. Exhibit J is a copy of the declaration of Vicki Bernstein, Chief Human Capital Officer at the New York City Department of Education,.
11. Exhibit K is a copy of the Updated and Supplemented declaration of Vicki Bernstein, Chief Human Capital Officer at the New York City Department of Education.

Respectfully submitted,

/s/ Amanda C. Croushore

Assistant Corporation Counsel

Copy to: All counsel of record (by ECF)